

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

DAVID HIGHT

Under the International Claims Settlement
Act of 1949, as amended

Claim No CU-1791

Decision No. CU-6282

Counsel for claimant:

Salomon & Mainzer
by Robert Salomon, Esq.

FINAL DECISION

The Commission issued its Proposed Decision in this matter on July 26, 1971, certifying a loss to DAVID HIGHT in the amount of \$53,925.00 for a one-sixth interest in each of two Cuban entities, Cia. Inmobiliaria Incasing, S.A., and Cuban Incasing Company, Inc., intervened by the Government of Cuba on September 1, 1960.

The Commission now finds that claimant's interest was in fact one-third of the two Cuban entities, his spouse having no interest therein, and that his loss on September 1, 1960 in fact was \$107,850.00.

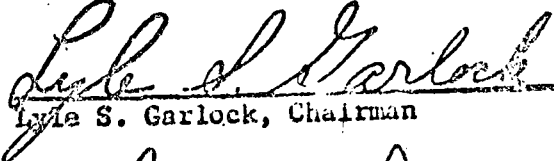
Accordingly, the Certification of Loss in the Proposed Decision is set aside, the following Certification of Loss will be entered, and the remainder of the Proposed Decision as amended herein is affirmed.

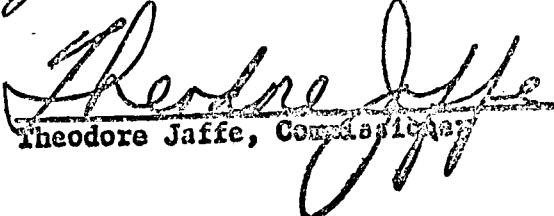
CERTIFICATION OF LOSS

The Commission certifies that DAVID HIGHT suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Seven Thousand Eight Hundred Fifty Dollars (\$107,850.00) with interest thereon at 6% per annum from September 1, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Final
Decision of the Commission

SEP 22 1977


Lytle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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PROPOSED DECISION

Claimant, DAVID HIGHT, who owned a stock interest in Cia. Inmobiliaria Incasing, S.A. and Cuban Inter casing Company, Inc., asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Companies.

In our decision entitled the Claim of Jacob Levinsons (Claim No. CU-1514 which we incorporate herein by reference), we held that the properties owned by the Companies were intervened by the Government of Cuba on September 1, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of a one-sixth interest as \$53,925.00.

Inasmuch as the record does not establish that claimant's spouse was a United States national at the time of loss, her interest cannot be considered.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Levinsons decision; that he was an American national at the requisite times; that he has been the owner of a one-sixth interest in the two above Companies since


prior to September 1, 1960; and that he suffered a loss in the amount of \$53,925.00 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from September 1, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Levinsons, supra.)

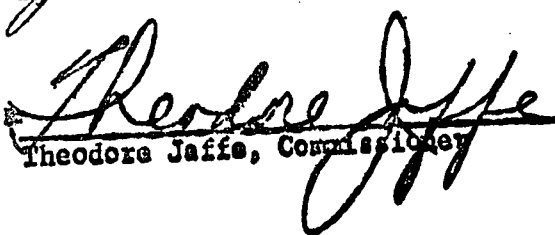
CERTIFICATION OF LOSS

The Commission certifies that DAVID HIGHT suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Fifty-three Thousand Nine Hundred Twenty-five Dollars (\$53,925.00) with interest at 6% per annum from September 1, 1960 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

JUL 28 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended (1970).)

CU-1791